

Chairman Vap called the regularly scheduled meeting to order at 10:09 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published July 27, 2004, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 3, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Thursday, August 5, 2004:

C-3228 Commission Hearing Room, Lincoln. Pre-hearing Conference.
1:30 In the Matter of Time Warner Cable Information Services (Nebraska), LLC, d/b/a Time Warner Cable, Stamford, Connecticut, seeking a Certificate of Authority to provide local and interexchange voice services within the State of Nebraska. Commissioner Landis chairing. Call in number is 402-472-6290.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the telecommunications complaints received during the preceding month.

C-3131 In the Matter of the Petition from residents of Sumner exchange requesting extended area services (EAS) to the Kearney exchange, both served by Citizens Telecommunications Company of Nebraska: Gene Hand informed the Commission that a letter had been received from Citizens Telecommunications Company requesting a waiver of Commission Rule No. 002.27C5. Citizens also proposed sending a letter to all Sumner customers in lieu of a public meeting and submitted a timeline for conducting the balloting process. Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to waive the rule, send the letter and approve the plan for balloting. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3207 In the Matter of Cambridge Telephone Company, Cambridge, seeking a suspension or modification of the Federal Communications Commission Requirement to Implement Wireline-Wireless Number Portability Pursuant to 47 U.S.C. Section 251(f)(2): Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting limited suspension. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3213 In the Matter of the Commission, on its own motion, seeking
DC-67 an order to cease and desist operations and to revoke the
 Certificates of Public Convenience and Necessity issued to
the named defendants: Motion made by Commissioner Lowell Johnson,
seconded by Commissioner Anne Boyle, to enter an order dismissing the
complaint in part. Motion passed with Commissioners Anne Boyle,
Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3228 In the Matter of Time Warner Cable Information Services
 (Nebraska), LLC, d/b/a Time Warner Cable, Stamford, Con-
necticut, seeking a certificate of authority to provide local and
interexchange voice services within the State of Nebraska: Gene Hand
informed the Commission that a Hearing Order was entered setting a
Prehearing conference for August 5, 2004, at 1:30 p.m. in the Commis-
sion Hearing Room. The call-in number is 402-472-6290.

C-3230 In the Matter of Comdata Telecommunications Services, Inc.,
 Brentwood, Tennessee, seeking to withdraw their certificate
of authority to operate as a resale carrier within the State of
Nebraska, previously granted in Docket C-1275: Motion made by Commis-
sioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter
an order granting the application. Motion passed with Commissioners
Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap
voting AYE.

C-3233/ In the Matter of Chase 3000 Inc., Imperial; Skybeam,
PI-84 Scottsbluff; McCookNet Internet Service, McCook; Axtell-
 Tech, Axtell; and Facspro Infotech Consulting, LLC, Brady,
for Commission Rulemaking: Gene Hand informed the Commission that a
Petition for Declaratory Ruling and a Motion to Stay the proceedings
were received from the Nebraska Telecommunications Association. Com-
missioner Vap will preside as Hearing Officer.

C-3234 In the Matter of Hamilton Telephone Company, Aurora, seek-
 ing to increase its rates for basic local exchange service
pursuant to Commission Rule 002.30: Gene Hand informed the Commission
that protests were received from 145 subscribers, but the Commission
needed at least five percent or 222 subscribers' signatures in order
to determine rates in lieu of Hamilton's proposed rate change. A
letter will be sent to Hamilton Telephone Company advising them that
they may implement their rate increase.

C-3190 In the Matter of Qwest Corporation, Denver, Colorado, seek-
 ing approval of its Special Business Escalation Agreement
with MCImetro Access Transmission Services, LLC: Motion made by Com-
missioner Lowell Johnson, seconded by Commissioner Anne Boyle, to
enter an order granting the application. Motion passed with Commis-
sioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and
Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3231 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its agreement to adopt Qwest Corporation's Statement of Generally Accepted Terms and Associated Exhibits, with Covista, Inc., Chattanooga, Tennessee within the State of Nebraska: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Gene Hand discussed the inter-compensation work group meeting scheduled at the Regional Oversight Committee (ROC) Meeting on September 10 and 11, 2004, in Missoula, Montana.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Carrier Remittances. Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to waive the late fee and administrative fines against Huntel Cablevision, Inc., dba Huntel Communications, and, that complaints be filed against KDDI America, Inc and IDT America Corporation. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley informed the Commission of comments received on July 28, 2004.

E911 DEPARTMENT

WSP-002.2 In the Matter of Verizon Wireless, Alpharetta, Georgia, seeking additional funding approval for recurring and non-recurring costs of Wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Kara Thielen informed the Commission of the Request for Proposal (RFP) timeline and of the vendors that submitted bids for Phase II implementation.

Kara Thielen introduced the Wireless E911 Advisory Board members that were at the Commission for the review of the RFP.

NATURAL GAS DEPARTMENT

Laura Demman informed the Commission on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

Laura Demman reported that Kinder Morgan filed revised tariff sheets reflecting revisions to rate schedules CGS and ACGS, with a proposed effective date of September 1, 2004.

NG-0011 In the Matter of the Commission, on its own motion, seeking to conduct an investigation for the purpose of monitoring NorthWestern Energy's financial condition and ability to continue providing adequate and reliable service to its customers: Alan Dietrich of NorthWestern gave a presentation regarding NorthWestern's bankruptcy proceeding. The Commissioners commented and made inquiries, and Mr. Dietrich responded.

LEGISLATIVE REPORT

PI-83 In the Matter of the Commission, on its own motion, seeking to investigate the feasibility and propriety of the regulation of wireless carriers: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order scheduling a public meeting for September 13, 2004, at 6:00 p.m. MT in the Panhandle Learning Center, Blue Stem Room, 4502 Avenue I, Scottsbluff. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. Commissioner Vap will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1535 In the Matter of Guard-Rite Security Services, LLC, Norfolk Supp. 1 seeking to extend its authority as a common carrier of passengers in intrastate commerce by open class service over irregular routes between points in Nebraska in sedans and vans. To include the clients of the Nebraska Department of Health and Human Services and their subcontractors thereof: RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to deny the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

B-1549 In the Matter of Blaine Rentals, Inc., dba The Panhandle Runaround, Chadron: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to revoke the authority. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

TRANSPORTATION DEPARMENT (Cont.)

B-1582 In the Matter of Action Taxi & Limo, Inc., Sioux City, Supp. 1 Iowa, seeking to extend its authority between points in Dakota, Dixon, Thurston, and Wayne counties, on the one hand and on the other hand, points in Nebraska by taxicab over irregular routes. To include the transportation of Health and Human Services clientele and their subcontractors thereof: RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

B-1593 In the Matter of Francoise Antoine, dba Bon Samaritan Transport, Lincoln, seeking authority as a common carrier of passengers between points in Lancaster County by van over irregular routes. To include the transportation of Health and Human Services clientele and their subcontractors thereof: RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to dismiss the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

M-14180 In the Matter of Johnson Storage & Moving Co., LLC, Denver, Colorado, seeking authority as a common carrier of household goods by van and tractor-trailer between points in Nebraska over irregular routes: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to dismiss the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

MCC-3149 In the Matter of Andrew S. Pollock, Director, Transportation Department, Complainant, vs. Honeywine Corporation, dba Accent Limousine Service, Omaha, Defendant: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to dismiss the complaint with prejudice. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

B-1621 In the Matter of Phoenix Counseling, Inc., dba Phoenix Transportation Services, Omaha, seeking authority as a common carrier of passengers in open class service by van between points in Douglas, Cass, Sarpy, and Washington counties over irregular routes. To include clients of the Nebraska Department of Health and Human Services or subcontractors thereof: RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The video hearing previously scheduled for June 30, 2004, was continued to September 7, 2004, 10:00 a.m. in the Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha. Commissioner Boyle will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska
 Motor Carriers Association, Lincoln, seeking authority to
establish a fuel surcharge in Nebraska Official Household Goods Tariff
7-F. The fuel surcharge was increased to 28 cents per mile, and the
taxi surcharge was retained at 45 cents per trip.

GENERAL ADMINISTRATION

 Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Rod Johnson, to approve the following Commission in-
voices: Motion passed with Commissioners Anne Boyle, Lowell Johnson,
Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

DAS-State Accounting	\$	3,427.00
DAS-State Accounting		7,644.00
DAS-Materiel		1,753.00
DAS-TSB		837.98
Ted Burkey		1,232.50
Kelly Services		1,238.30
Kelly Services		616.00
NARUC		1,390.00
NARUC		4,220.00
Kent Pribyl		852.92
Tim Sandusky		709.81
Gerald Vap		352.50

 Upon agreement of all Commissioners, support for the renom-
ination of Jonathan Adelstein for a second term as FCC Commissioner
was approved and the staff was directed to prepare a letter to
President Bush, voicing that support.

 Brenda Wicken and John Burvainis reported on Commissioners'
travel expenses.

 Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Anne Boyle, to go into closed session to discuss investi-
gatory and personnel matters. Motion passed with Commissioners Anne
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting
AYE. The Commission went into closed session at 11:07 a.m.

 Motion made by Commissioner Anne Boyle, seconded by Commis-
sioner Lowell Johnson, to return to open session. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis,
and Jerry Vap voting AYE. The Commission returned to open session at
11:35 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to upgrade Camelia Will's employment status from probationary to permanent. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to accept Lorri Shreve's resignation. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

The meeting adjourned at 11:40 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on August 10, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 9, 2004.

Chairman

Executive Director